

IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

FILED
SCRANTON

JAN 29 2018

LUCKENSON DORCEANT,
Petitioner

3:18cv250

CIVIL NO TO BE ASSIGNED
PER Amo
DEPUTY CLERK

v.

ALLENWOOD LSCI,
LT CHEUNG,
Respondent

PLACE OF CONFINEMENT ALLENWOOD LSCI

PRISONER ID NUMBER T3681-004

EMERGENCY WRIT OF MANDAMUS

COMES NOW, Luckenson Dorceant, hereinafter Petitioner. Petitioner being a layman in law, but proceed PRO-SE, under the standard of *Haines v. Kerner*, 404 U.S. 519, 30 LEd. 2d 652, 92 S.Ct. 594 (1972): Pro-se-litigants pleadings are to be Construed liberally and held to less stringent standard than formal pleadings drafted by lawyers.

Petitioner's legal books were Confiscated by officer Siarp on November 12, 2017, whom gave them to Lt Cheung. Bop Policy does not permit the confiscation of Inmates legal documents ~~and~~ legal books. Petitioner's legal books should be return to him for the following reasons:

1) B.O.P Policy / Program statement prohibit the seizure of Inmates legal papers, motion, documents and legal books...etc...

2) Counselor Snyder was advise by Inmate of the situation on January 3, 2018, to which Lt Cheung stated that Inmate needs to provide receipt for the books.

- 3) Inmate can not provide a receipt, due to the fact that half 1/2 of his personal property thrown ~~in~~ the waste bin/trash by Officer Sierp.
- 4) The 7 legal books in question were confiscated in Petitioner's legal bin, by Officer Sierp.
- 5) Two weeks upon Petitioner arrival in the (SHU) segregate housing unit, Lt Cheung had Petitioner signed a document to send the legal books along with some non-legal books home, to which he did. But he did not present the books for a visual nor did he give a Confiscation sheet to Petitioner. Emphasis added. BOP Policy require a Confiscation sheet that entail the Items that were Confiscated & the reason why to their confiscation. Lt Cheung violated that Policy. Further, Petitioner Inquired on his legal books. In response Lt Cheung told him that he would check on that, but did not. Deliberately!
- 6) On January 19, 2018, Petitioner had a conversation with Lt Cheung, anew. Petitioner only ~~only~~ wanted his legal books. Lt Cheung response was how do I know that they are yours? In response Petitioner stated the name on them (some of them) are Lucky 305, the same name on my Indictment. Lt Cheung stated I will give them to you next week. That is a ploy, because by next week Petitioner might be transfer to a new facility.
- 7) B.O.P Policy does not dictate that Inmate must write their name in or on their books. Meaning their legal name, therefore an alias is welcome also.
- 8) Petitioner arrive at Allenwood LSCJ on October 30, 2016 with the legal books, which is well documented.
- 9) If officer (Lt) Cheung knew that the books did not belong to Petitioner he would not have Petitioner signed a document to send the books home.

10) If Petitioner is to be transfer without his 7 legal books he shall lose the books and over \$2,000.00, he invested to purchased them.

This Court should grant the authorization of this Writ of Mandamus because the proposed petition satisfies the requirement of such a Writ. Specifically, petitioner can make a prima facie showing that the petitions clearly and unequivocally demonstrate abuse of authority.

To the extent there is any debate about whether petitioner is entitled to relief, petitioner contends that the debate should be settled in the first instance by this Court. And petitioner has 120 days from the day that the properties were seized to lose them, utterly. which will be sometime in March 2018.

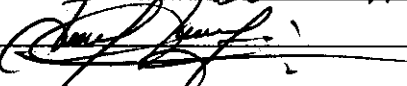
The staff member action had the effect of depriving petitioner of right secured by the Constitution and the laws of the United States. Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that commands to the inmate. In a government of laws, existence of the government will be imperiled if it fails to observe the laws scrupulously.

Conclusion

For all the reasons, Petitioner asks that the court enter an Order compelling it to return petitioners legal books to him.

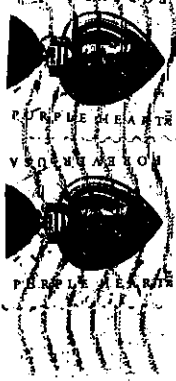
Respectfully Submitted

Date 1-22-18

Lucyanna Brucant


INMATE NAME/NUMBER: Allenwood Correctional Complex # 73681-004
FEDERAL CORRECTIONAL COMPLEX-ALLENWOOD (SCZ)
P.O. BOX 1000
WHITE DEER, PA 17887

HARRISBURG PA 171
25 JAN 2018 PM 11



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